

DEFENDANTS' DESIGNATION OF DEPOSITION TESTIMONY OF JOHN STAPLETON
 (Testifying By Way of Deposition Only)
 (Counter-Designations in italicized text)
 Deposition August 8-9, 2005

Defendants' Designations	Plaintiffs' Objections and Counter-Designations	Defendants' Responses to Plaintiffs' Objections and Objections to Counter-Designations
4:14-16		
5:3-6		
8:10-15		
9:3-4		
9:6-10		
10:1-13		
10:15-17		
12:17-18		
12:20-21		
15:1-3		

DEFENDANTS' DESIGNATION OF DEPOSITION TESTIMONY OF JOHN STAPLETON

(Testifying By Way of Deposition Only)
 (Counter-Designations in italicized text)
 Deposition August 8-9, 2005

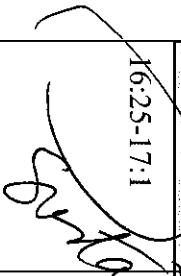
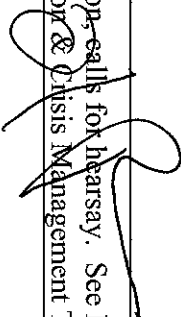
Defendants' Designations	Plaintiffs' Objections and Counter-Designations	Defendants' Responses to Plaintiffs' Objections and Objections to Counter-Designations
<p>16:21-22</p> <p><i>Sustained</i></p>	<p>16:21-22, 16:25-17:1, 18:12-14, 18:17-23 – Lacks foundation, assumes facts not in evidence, calls for speculation, hearsay or double hearsay, irrelevant, inflammatory and prejudicial under FRE 403. There is no legitimate non-hearsay purpose for this testimony and no state of mind exception should apply. Stapleton's name is never mentioned once in Scott Davis' diary or deposition. His supervisor, Hervey, is mentioned only once in the Davis deposition and merely to identify him by position (Davis Depo., 72:22-23) and is not mentioned in the Davis diary at all. Stapleton was not a member of the Crisis Management Team (Stapleton Depo., 339:22-340:1). Though Hervey was, he was off Rotation and had returned to the US when that team made the decision to call in the GSF and therefore did not contribute to that decision – in fact he claims to have been taken by surprise by the military strike (Hervey Depo., 123:1-12, 123:25-124:5). In sum, there is no evidence that the cited - to testimony influenced the CNL Crisis Management Team. Davis does not reference it in his diary or deposition and did not so testify at trial. Therefore, the "state of mind" of Stapleton</p>	<p>Not offered for the truth of the matter asserted but for notice and the state of mind of CNL crisis management team, as well as for why deponent took the next steps.</p>

DEFENDANTS' DESIGNATION OF DEPOSITION TESTIMONY OF JOHN STAPLETON

(Testifying By Way of Deposition Only)
 (Counter-Designations in italicized text)
 Deposition August 8-9, 2005

Defendants' Designations	Plaintiffs' Objections and Counter-Designations	Defendants' Responses to Plaintiffs' Objections and Objections to Counter-Designations
	<p>and Hervey, never communicated to Davis who recommended to CNL management the decision to send in the GSF on May 28, is irrelevant and highly prejudicial. Similarly, as there is no evidence that the purported facts contained in the cited-to testimony were ever communicated to the Crisis Management Team and Davis, they are irrelevant to that body's state of mind as well. This objection will hereafter be referred to as <u>Plaintiffs' Hervey/Stapleton & Crisis Management Team State of Mind Objection.</u></p> <p>Furthermore, the particular testimony at issue is double hearsay or possibly worse, as Mr. Hervey was not on the platform and there is no indication of the original source of the statement. Thus it cannot be evidence of anyone's state of mind other than the deponent, nor can the jury evaluate the reasonableness of deponent's conclusions. And as argued above, the deponent's conclusions are irrelevant except to the extent that they were communicated to and relied upon by Scott Davis and CNL management.</p>	<p><i>Plaintiffs' objection is overruled.</i></p> <p><i>OR</i></p>

DEFENDANTS' DESIGNATION OF DEPOSITION TESTIMONY OF JOHN STAPLETON
 (Testifying By Way of Deposition Only)
 (Counter-Designations in italicized text)
 Deposition August 8-9, 2005

Defendants' Designations	Plaintiffs' Objections and Counter-Designations	Defendants' Responses to Plaintiffs' Objections and Objections to Counter-Designations
16:25-17:1 	Lacks foundation, assumes facts not in evidence, speculation, hearsay, prejudicial. See Plaintiffs' Hervey/Stapleton & Crisis Management Team State of Mind Objection.	Not offered for the truth of the matter asserted but for notice and the state of mind of CNL crisis management team, as well as for why deponent took the next steps.
17:7	Irrelevant. There is no evidence that Mr. Stapleton had any firsthand knowledge of events on the barge, nor is there any evidence that this communication was passed on to CNL decision makers. See Plaintiffs' Hervey/Stapleton & Crisis Management Team State of Mind Objection.	Not offered for the truth of the matter asserted but for notice and the state of mind of CNL crisis management team, as well as for why deponent took the next steps.
17:10-11	Irrelevant. There is no evidence that Mr. Stapleton or Mr. Hervey had any firsthand knowledge of events on the barge, nor is there any evidence that this communication was passed on to CNL decision makers. See Plaintiffs' Hervey/Stapleton & Crisis Management Team State of Mind Objection.	Not offered for the truth of the matter asserted but for notice and the state of mind of CNL crisis management team, as well as for why deponent took the next steps.
17:17-19		
18:12-14	Lacks foundation, calls for hearsay. See Plaintiffs' Hervey/Stapleton & Crisis Management Team 	Not offered for the truth of the matter asserted but for notice and the state of mind of CNL crisis management team, as

DEFENDANTS' DESIGNATION OF DEPOSITION TESTIMONY OF JOHN STAPLETON
(Testifying By Way of Deposition Only)
(Counter-Designations in italicized text)
Deposition August 8-9, 2005

Defendants' Designations	Plaintiffs' Objections and Counter-Designations	Defendants' Responses to Plaintiffs' Objections and Objections to Counter-Designations
	State of Mind Objection.	well as for why deponent took the next steps.
18:17-23	Lacks foundation, hearsay. See Plaintiffs' Hervey/Stapleton & Crisis Management Team State of Mind Objection.	Not offered for the truth of the matter asserted but for notice and the state of mind of CNL crisis management team, as well as for why deponent took the next steps.
18:25-19:3	Lacks foundation, hearsay. See Plaintiffs' Hervey/Stapleton & Crisis Management Team State of Mind Objection.	Not offered for the truth of the matter asserted but for notice and the state of mind of CNL crisis management team, as well as for why deponent took the next steps.
20:5-6		Not hearsay. Deponent is testifying to what he did.
20:10-12		Not hearsay. Deponent is testifying to what he did.
21:3-5		Not hearsay. Deponent is testifying to what he did.
21:15-17		Not hearsay. Deponent is testifying to what he did.
21:20-23		
22:3 starting		

DEFENDANTS' DESIGNATION OF DEPOSITION TESTIMONY OF JOHN STAPLETON
(Testifying By Way of Deposition Only)
(Counter-Designations in italicized text)
Deposition August 8-9, 2005

Defendants' Designations	Plaintiffs' Objections and Counter-Designations	Defendants' Responses to Plaintiffs' Objections and Objections to Counter-Designations
with "Do" - 7		
22:22-23		Not hearsay. Deponent is testifying to what he did.
23:1-9		Not hearsay. Deponent is testifying to what he did.
23:12		Not hearsay. Deponent is testifying to what he did.
23:14-15	See Plaintiffs' Hervey/Stapleton & Crisis Management Team State of Mind Objection.	Not offered for the truth of the matter asserted but for notice and the state of mind of CNL crisis management team, as well as for why deponent took the next steps.
23:18-25	See Plaintiffs' Hervey/Stapleton & Crisis Management Team State of Mind Objection.	Not offered for the truth of the matter asserted but for notice and the state of mind of CNL crisis management team, as well as for why deponent took the next steps.
24:3-8	24:3-8, 24:13-15, 24:18-19, 28:24-29:8, 29:12-14, 29:17-20 -- See Plaintiffs' Hervey/Stapleton & Crisis Management Team State of Mind Objection.	Not offered for the truth of the matter asserted but for notice and the state of mind of CNL crisis management team, as well as for why deponent took the next steps.
This testimony is particularly inflammatory and unfairly prejudicial, and its probative value is slight at best. There is no evidence that the awareness of		


DEFENDANTS' DESIGNATION OF DEPOSITION TESTIMONY OF JOHN STAPLETON
(Testifying By Way of Deposition Only)
(Counter-Designations in italicized text)
Deposition August 8-9, 2005

Defendants' Designations	Plaintiffs' Objections and Counter-Designations	Defendants' Responses to Plaintiffs' Objections and Objections to Counter-Designations
	this alleged beating influenced the CNL crisis management team in their decision to call in the military at Parabe. Scott Davis does not mention violence against any CNL employees as a reason for going into Parabe (Davis Depo, 233:12-239:9), nor does he mention this fact at all in his entire deposition. Randall Hervey does not mention discussing this fact with the Emergency Management Team, either. Thus Stapleton's possible awareness of this contention has no bearing on the "state of mind" of the CNL crisis management team.	
24:13-15	See Plaintiffs' Hervey/Stapleton & Crisis Management Team State of Mind Objection and Plaintiffs' objections to 24:3-8.	Not offered for the truth of the matter asserted but for notice and the state of mind of CNL crisis management team, as well as for why deponent took the next steps.
24:18-19	See Plaintiffs' Hervey/Stapleton & Crisis Management Team State of Mind Objection and Plaintiffs' objections to 24:3-8.	Not offered for the truth of the matter asserted but for notice and the state of mind of CNL crisis management team, as well as for why deponent took the next steps.
26:10-11		Not hearsay. Deponent is testifying to what he did.

DEFENDANTS' DESIGNATION OF DEPOSITION TESTIMONY OF JOHN STAPLETON
(Testifying By Way of Deposition Only)
(Counter-Designations in italicized text)
Deposition August 8-9, 2005

Defendants' Designations	Plaintiffs' Objections and Counter-Designations	Defendants' Responses to Plaintiffs' Objections and Objections to Counter-Designations
26:14-19		Not hearsay. Deponent is testifying to what he did.
26:23-27:1	.	
27:4-6	Hearsay – references to earlier hearsay.	
27:8-10		
27:13-18		
27:21-22		
28:1-4		
28:7-9	Prejudicial and hearsay, since "sonber" is based on hearsay report of facts at Karabe. FRN 403.	
28:13-14		Not hearsay. Deponent is testifying to what he did.
28:17-21	Hearsay as to whether every one was "appraised"	Not hearsay. Deponent is testifying to what he did.


DEFENDANTS' DESIGNATION OF DEPOSITION TESTIMONY OF JOHN STAPLETON
(Testifying By Way of Deposition Only)
(Counter-Designations in italicized text)
Deposition August 8-9, 2005

Defendants' Designations	Plaintiffs' Objections and Counter-Designations	Defendants' Responses to Plaintiffs' Objections and Objections to Counter-Designations
28:24-29:8	See Plaintiffs' Hervey/Stapleton & Crisis Management Team State of Mind Objection and Plaintiffs' objections to 24:3-8. 403 prejudice for Simeon beating reference.	Not offered for the truth of the matter asserted but for notice and the state of mind of CNL crisis management team, as well as for why deponent took the next steps.
29:12-14	See Plaintiffs' Hervey/Stapleton & Crisis Management Team State of Mind Objection and Plaintiffs' objections to 24:3-8. 403 prejudice for Simeon beating reference.	Not offered for the truth of the matter asserted but for notice and the state of mind of CNL crisis management team, as well as for why deponent took the next steps.
29:17-20	See Plaintiffs' Hervey/Stapleton & Crisis Management Team State of Mind Objection and Plaintiffs' objections to 24:3-8. 403 prejudice for Simeon beating reference.	Not offered for the truth of the matter asserted but for notice and the state of mind of CNL crisis management team, as well as for why deponent took the next steps.
30:4-16	403 prejudice as to "vigilance" 	Not offered for the truth of the matter asserted but for notice and the state of mind of CNL crisis management team, as well as for why deponent took the next steps.

DEFENDANTS' DESIGNATION OF DEPOSITION TESTIMONY OF JOHN STAPLETON
 (Testifying By Way of Deposition Only)
 (Counter-Designations in italicized text)
 Deposition August 8-9, 2005

Defendants' Designations	Plaintiffs' Objections and Counter-Designations	Defendants' Responses to Plaintiffs' Objections and Objections to Counter-Designations
30:25-31:4		
31:9		
31:12-17		
32:19-20	Calls for hearsay.	Not offered for the truth of the matter asserted but for notice and the state of mind of CNL crisis management team, as well as for why deponent took the next steps.
32:23-33:4	See Plaintiffs' Hervey/Stapleton & Crisis Management Team State of Mind Objection FRE 403 – extremely prejudicial. This statement does not fall under any of the state of mind exceptions, like excited utterance, because the deponent asserts Peace was "peaceful" when he told deponent this. (259:7-10). Furthermore, defendants had the opportunity to introduce evidence from the actual proponent of this statement, Steve Peace, but they failed to do so because that was not his testimony. This is an	Not offered for the truth of the matter asserted but for notice and the state of mind of CNL crisis management team, as well as for why deponent took the next steps.

DEFENDANTS' DESIGNATION OF DEPOSITION TESTIMONY OF JOHN STAPLETON
(Testifying By Way of Deposition Only)
(Counter-Designations in italicized text)
Deposition August 8-9, 2005

Defendants' Designations	Plaintiffs' Objections and Counter-Designations	Defendants' Responses to Plaintiffs' Objections and Objections to Counter-Designations
	improper backdoor attempt to find someone else to provide testimony that Mr. Peace would not give himself.	
33:19-21	Hearsay. 	Not offered for the truth of the matter asserted but for notice and the state of mind of CNL crisis management team, as well as for why deponent took the next steps.
34:2-4	See Plaintiffs' Hervey/Stapleton & Crisis Management Team State of Mind Objection Furthermore, defendants had the opportunity to introduce evidence from the actual proponent of this statement, Steve Peace, but they failed to do so because that was not his testimony. This is an improper backdoor attempt to find someone else to provide testimony that Mr. Peace would not give firsthand. Given that there is no evidence that these statements were relied on, and their supposed proponent does not himself claim that he said them, their probative value is grossly outweighed by their unfair prejudicial effect.	Not offered for the truth of the matter asserted but for notice and the state of mind of CNL crisis management team, as well as for why deponent took the next steps.

DEFENDANTS' DESIGNATION OF DEPOSITION TESTIMONY OF JOHN STAPLETON
 (Testifying By Way of Deposition Only)
 (Counter-Designations in italicized text)
 Deposition August 8-9, 2005

Defendants' Designations	Plaintiffs' Objections and Counter-Designations	Defendants' Responses to Plaintiffs' Objections and Objections to Counter-Designations
34:21-23	Calls for hearsay.	
35:1-3	See Plaintiffs' Hervey/Stapleton & Crisis Management Team State of Mind Objection Irrelevant, prejudicial. There is no evidence that Scott Davis relied on any statement made by Hervey in his recommendation to call in the military. Hervey himself only recalls very general information about the conduct of the Haje on the barge, and he does not specify if it was the deponent, Abel Ogburo, or Mike Braddock who told him any given piece of information. Therefore, what Stapleton may have told Hervey is irrelevant and clearly more prejudicial than probative.	
45:13-16	45:13-16, 45:21, 45:23, 45:25, 46:2, 46:4-6, 46:10-11, 46:13, 46:15-17, 46:20, 46:22-23, 47:1-4, 47:8-13, 47:18-20, 47:23, 47:25-48:3, 49:2-4, 49:6-8, 49:11-13, 49:11-13, 49:17-19, 49:21-23, 50:2-4, 50:6-7 – Hearsay, irrelevant. George the electrician is not available to assess whether his ability to translate meets applicable	

DEFENDANTS' DESIGNATION OF DEPOSITION TESTIMONY OF JOHN STAPLETON
 (Testifying By Way of Deposition Only)
 (Counter-Designations in italicized text)
 Deposition August 8-9, 2005

Defendants' Designations	Plaintiffs' Objections and Counter-Designations	Defendants' Responses to Plaintiffs' Objections and Objections to Counter-Designations
	standards. See also Plaintiffs' Hervey/Stapleton & Crisis Management Team State of Mind Objection.	
45:21	Irrelevant. See plaintiffs' objections to 45:13-16.	
45:23	Irrelevant. See plaintiffs' objections to 45:13-16.	
45:25	Irrelevant. See plaintiffs' objections to 45:13-16.	
46:2	Irrelevant. See plaintiffs' objections to 45:13-16.	
46:4-6.	Irrelevant. See plaintiffs' objections to 45:13-16.	
46:10-11	Irrelevant. See plaintiffs' objections to 45:13-16.	
46:13	Irrelevant. See plaintiffs' objections to 45:13-16.	
46:15-17	Irrelevant. See plaintiffs' objections to 45:13-16.	

for the positive

DEFENDANTS' DESIGNATION OF DEPOSITION TESTIMONY OF JOHN STAPLETON
(Testifying By Way of Deposition Only)
(Counter-Designations in italicized text)
Deposition August 8-9, 2005

Defendants' Designations	Plaintiffs' Objections and Counter-Designations	Defendants' Responses to Plaintiffs' Objections and Objections to Counter-Designations
46:20	Irrelevant. See plaintiffs' objections to 45:13-16.	
46:22-23	Irrelevant, hearsay. See objection to 45:13-18.	Not offered for the truth of the matter asserted but for notice and the state of mind of CNL crisis management team, as well as for why deponent took the next steps.
47:1-4	Irrelevant, hearsay. See objection to 45:13-18.	Not offered for the truth of the matter asserted but for notice and the state of mind of CNL crisis management team, as well as for why deponent took the next steps.
47:8-13	Irrelevant, hearsay. See objection to 45:13-18.	Not offered for the truth of the matter asserted but for notice and the state of mind of CNL crisis management team, as well as for why deponent took the next steps.
47:18-20	Irrelevant, hearsay. See objection to 45:13-18.	Not offered for the truth of the matter asserted but for notice and the state of mind of CNL crisis management team, as well as for why deponent took the next steps.
47:23	Irrelevant, hearsay. See objection to 45:13-18.	Not offered for the truth of the matter asserted but for notice and the state of mind of CNL crisis management team, as well as for why deponent took the next steps.

DEFENDANTS' DESIGNATION OF DEPOSITION TESTIMONY OF JOHN STAPLETON
 (Testifying By Way of Deposition Only)
 (Counter-Designations in italicized text)
 Deposition August 8-9, 2005

Defendants' Designations	Plaintiffs' Objections and Counter-Designations	Defendants' Responses to Plaintiffs' Objections and Objections to Counter-Designations
47:25-48:3	Irrelevant, hearsay. See objection to 45:13-18.	Not offered for the truth of the matter asserted but for notice and the state of mind of CNL crisis management team, as well as for why deponent took the next steps.
48:6-7	Irrelevant, hearsay. See objection to 45:13-18.	Not offered for the truth of the matter asserted but for notice and the state of mind of CNL crisis management team, as well as for why deponent took the next steps.
49:2-4	Irrelevant, hearsay. See objection to 45:13-18.	Not offered for the truth of the matter asserted but for notice and the state of mind of CNL crisis management team, as well as for why deponent took the next steps.
49:6-8	Irrelevant, hearsay. See objection to 45:13-18.	Not offered for the truth of the matter asserted but for notice and the state of mind of CNL crisis management team, as well as for why deponent took the next steps.
49:11-13	Irrelevant, hearsay. See objection to 45:13-18.	Not offered for the truth of the matter asserted but for notice and the state of mind of CNL crisis management team, as well as for why deponent took the next steps.
49:17-19	Irrelevant, hearsay. See objection to 45:13-18.	Not offered for the truth of the matter asserted but for notice and the state of mind of CNL crisis management team, as

DEFENDANTS' DESIGNATION OF DEPOSITION TESTIMONY OF JOHN STAPLETON
(Testifying By Way of Deposition Only)
(Counter-Designations in italicized text)
Deposition August 8-9, 2005

Defendants' Designations	Plaintiffs' Objections and Counter-Designations	Defendants' Responses to Plaintiffs' Objections and Objections to Counter-Designations
		well as for why deponent took the next steps.
49:21-23	Irrelevant, hearsay. See objection to 45:13-18. This statement is particularly inflammatory. There is no evidence that is not at least double hearsay that the Haje protesters were drinking on the barge, and the deponent provides no indication of how George the electrician judged the people he heard as sounding drunk. There is no way that a jury could assess the reasonableness of the deponent in relying on and reacting to this judgment.	Not offered for the truth of the matter asserted but for notice and the state of mind of CNL crisis management team, as well as for why deponent took the next steps.
50:2-4	Irrelevant, hearsay. See objection to 45:13-18.	Not offered for the truth of the matter asserted but for notice and the state of mind of CNL crisis management team, as well as for why deponent took the next steps.
50:6-7	Irrelevant, hearsay. See objection to 45:13-18.	Not offered for the truth of the matter asserted but for notice and the state of mind of CNL crisis management team, as well as for why deponent took the next steps.
50:17-22	See Plaintiffs' Hervey/Stapleton & Crisis	

DEFENDANTS' DESIGNATION OF DEPOSITION TESTIMONY OF JOHN STAPLETON
 (Testifying By Way of Deposition Only)
 (Counter-Designations in italicized text)
 Deposition August 8-9, 2005

Defendants' Designations	Plaintiffs' Objections and Counter-Designations	Defendants' Responses to Plaintiffs' Objections and Objections to Counter-Designations
	Management Team State of Mind <i>Objection</i>	
50:24	See Plaintiffs' Hervey/Stapleton & Crisis Management Team State of Mind Objection	
53:1 starting with "Did" - 2		
53:5-6		
53:19-22	Calls for hearsay.	Not offered for the truth of the matter asserted but for notice and the state of mind of CNL crisis management team, as well as for why deponent took the next steps.
53:24	53:24, 54:1-2, 54:5-12, 54:14-21, 54:25-55:2, 55:5-7, 55:13-18, 55:21-24, 56:2-6 See Plaintiffs' Hervey/Stapleton & Crisis	Not offered for the truth of the matter asserted but for notice and the state of mind of CNL crisis management team, as well as for why deponent took the next steps.

DEFENDANTS' DESIGNATION OF DEPOSITION TESTIMONY OF JOHN STAPLETON
(Testifying By Way of Deposition Only)
(Counter-Designations in italicized text)
Deposition August 8-9, 2005

Defendants' Designations	Plaintiffs' Objections and Counter-Designations	Defendants' Responses to Plaintiffs' Objections and Objections to Counter-Designations
	Management Team State of Mind Objection At trial, no evidence was introduced from Steve Peace's own deposition indicating that he had ever observed or seen these things. Given that there is no evidence that the crisis management team ever heard these statements from Steve Peace, let alone relied upon them, and their supposed proponent did not testify as to them, this is an improper backdoor attempt to find someone else to provide testimony that Mr. Peace would not give himself.	
54:1-2	Hearsay, irrelevant, prejudicial. See Plaintiffs' Hervey/Stapleton & Crisis Management Team State of Mind Objection and plaintiffs' objection to 53:24.	Not offered for the truth of the matter asserted but for notice and the state of mind of CNL crisis management team, as well as for why deponent took the next steps.
54:5-12	Hearsay, irrelevant, prejudicial. See Plaintiffs' Hervey/Stapleton & Crisis Management Team State of Mind Objection and plaintiffs' objection to 53:24. Given that there is no evidence that the crisis management team ever heard these statements from	Not offered for the truth of the matter asserted but for notice and the state of mind of CNL crisis management team, as well as for why deponent took the next steps.

DEFENDANTS' DESIGNATION OF DEPOSITION TESTIMONY OF JOHN STAPLETON
(Testifying By Way of Deposition Only)
(Counter-Designations in italicized text)
Deposition August 8-9, 2005

Defendants' Designations	Plaintiffs' Objections and Counter-Designations	Defendants' Responses to Plaintiffs' Objections and Objections to Counter-Designations
	Steve Peace, let alone relied upon them, and their supposed proponent did not testify as to them, this is an improper backdoor attempt to find someone else to provide testimony that Mr. Peace would not give himself.	
54:14-21	Hearsay, irrelevant, prejudicial. See Plaintiffs' Hervey/Stapleton & Crisis Management Team State of Mind Objection and plaintiffs' objection to 53:24. Given that there is no evidence that the crisis management team ever heard these statements from Steve Peace, let alone relied upon them, and their supposed proponent did not testify as to them, this is an improper backdoor attempt to find someone else to provide testimony that Mr. Peace would not give himself.	Not offered for the truth of the matter asserted but for notice and the state of mind of CNL crisis management team, as well as for why deponent took the next steps.
54:25-55:2	Calls for hearsay.	Not offered for the truth of the matter asserted but for notice and the state of mind of CNL crisis management team, as well as for why deponent took the next steps.

DEFENDANTS' DESIGNATION OF DEPOSITION TESTIMONY OF JOHN STAPLETON
(Testifying By Way of Deposition Only)
(Counter-Designations in italicized text)
Deposition August 8-9, 2005

Defendants' Designations	Plaintiffs' Objections and Counter-Designations	Defendants' Responses to Plaintiffs' Objections and Objections to Counter-Designations
55:5-7	Calls for hearsay	Not offered for the truth of the matter asserted but for notice and the state of mind of CNL crisis management team, as well as for why deponent took the next steps.
55:13 starting with "He" - 18	Hearsay, irrelevant, prejudicial. See Plaintiffs' Hervey/Stapleton & Crisis Management Team State of Mind Objection and plaintiffs' objection to 53:24. This is the only place in any of the evidence adduced at trial where this sort of testimony is given; it is also highly suspect that it is only offered as thirdhand information instead of through its original proponent. Given that there is no evidence that the crisis management team ever heard these statements from Steve Peace, let alone relied upon them, and their supposed proponent did not testify as to them, this is an improper backdoor attempt to find someone else to provide testimony that Mr. Peace would not give himself.	Not offered for the truth of the matter asserted but for notice and the state of mind of CNL crisis management team, as well as for why deponent took the next steps.
55:21-24	Calls for hearsay.	Not offered for the truth of the matter asserted but for notice and the state of mind of CNL crisis management team, as

DEFENDANTS' DESIGNATION OF DEPOSITION TESTIMONY OF JOHN STAPLETON
 (Testifying By Way of Deposition Only)
 (Counter-Designations in italicized text)
 Deposition August 8-9, 2005

Defendants' Designations	Plaintiffs' Objections and Counter-Designations	Defendants' Responses to Plaintiffs' Objections and Objections to Counter-Designations
56:2-6	<p>Hearsay, irrelevant, prejudicial. See Plaintiffs' Hervey/Stapleton & Crisis Management Team State of Mind Objection and plaintiffs' objection to 53:24.</p> <p><i>This is the only place in any of the evidence adduced at trial where this sort of testimony is given; it is also highly suspect that it is only offered as thirdhand information instead of through its original proponent. Given that there is no evidence that the crisis management team ever heard these statements from Steve Peace, let alone relied upon them, and their supposed proponent did not testify as to them, this is an improper backdoor attempt to find someone else to provide testimony that Mr. Peace would not give himself.</i></p>	<p>well as for why deponent took the next steps.</p> <p>Not offered for the truth of the matter asserted but for notice and the state of mind of CNL crisis management team, as well as for why deponent took the next steps.</p>
56:14-16		
56:24-25		

DEFENDANTS' DESIGNATION OF DEPOSITION TESTIMONY OF JOHN STAPLETON
 (Testifying By Way of Deposition Only)
 (Counter-Designations in italicized text)
 Deposition August 8-9, 2005

Defendants' Designations	Plaintiffs' Objections and Counter-Designations	Defendants' Responses to Plaintiffs' Objections and Objections to Counter-Designations
57:3-10	Calls for hearsay, irrelevant, unduly prejudicial.	Not offered for the truth of the matter asserted but for notice and the state of mind of CNL crisis management team, as well as for why deponent took the next steps.
57:13-17	57:13-17, 58:19-22, 58:25-59:1, 59:4-10, 59:12-15: See Plaintiffs' Hervey/Stapleton & Crisis Management Team State of Mind Objection. Neither Scott Davis nor Randall Hervey mentions any of these calls in their testimony. Double hearsay, irrelevant, inflammatory and prejudicial. These statements are probative of nothing, and they can serve no other purpose than to unfairly prejudice the jury. Hearsay, irrelevant, unduly prejudicial. See plaintiffs' objections to 57:3-10.	Not offered for the truth of the matter asserted but for notice and the state of mind of CNL crisis management team, as well as for why deponent took the next steps.
58:19-22	Irrelevant, see Plaintiffs' Hervey/Stapleton & Crisis Management Team State of Mind Objection. See plaintiffs' objections to 57:13-17.	Witness is testifying about what he did.
58:25-59:1	Irrelevant, see Plaintiffs' Hervey/Stapleton & Crisis Management Team State of Mind Objection. See	Witness is testifying about what he did.

DEFENDANTS' DESIGNATION OF DEPOSITION TESTIMONY OF JOHN STAPLETON
(Testifying By Way of Deposition Only)
(Counter-Designations in italicized text)
Deposition August 8-9, 2005

Defendants' Designations	Plaintiffs' Objections and Counter-Designations	Defendants' Responses to Plaintiffs' Objections and Objections to Counter-Designations
	plaintiffs' objections to 57:13-17.	
59:4-10	Irrelevant, see Plaintiffs' Hervey/Stapleton & Crisis Management Team State of Mind Objection. See plaintiffs' objection to 53:24.	Not offered for the truth of the matter asserted but for notice and the state of mind of CNL crisis management team, as well as for why deponent took the next steps.
59:12-15	Irrelevant, see Plaintiffs' Hervey/Stapleton & Crisis Management Team State of Mind Objection. See plaintiffs' objection to 53:24.	Not offered for the truth of the matter asserted but for notice and the state of mind of CNL crisis management team, as well as for why deponent took the next steps.
60:10-11	Irrelevant, see Plaintiffs' Hervey/Stapleton & Crisis Management Team State of Mind Objection. See plaintiffs' objections to 57:13-17.	
60:14-16	Irrelevant, see Plaintiffs' Hervey/Stapleton & Crisis Management Team State of Mind Objection. See plaintiffs' objections to 57:13-17.	
60:19-22		
60:25-61:3	Irrelevant, see Plaintiffs' Hervey/Stapleton & Crisis Management Team State of Mind Objection. See	

DEFENDANTS' DESIGNATION OF DEPOSITION TESTIMONY OF JOHN STAPLETON
(Testifying By Way of Deposition Only)
(Counter-Designations in italicized text)
Deposition August 8-9, 2005

Defendants' Designations	Plaintiffs' Objections and Counter-Designations	Defendants' Responses to Plaintiffs' Objections and Objections to Counter-Designations
	plaintiffs' objections to 57:13-17. Scott Davis does not mention these statements in his depositions, or at trial. There is no evidence that they influenced the "state of mind" of the CNL crisis management team.	
61:6-13	61:9-13 - Irrelevant, see Plaintiffs' Hervey/Stapleton & Crisis Management Team State of Mind Objection. See plaintiffs' objections to 57:13-17. Scott Davis does not mention these statements in his depositions, or at trial. There is no evidence that they influenced the "state of mind" of the CNL crisis management team.	Not offered for the truth of the matter asserted but for notice and the state of mind of CNL crisis management team, as well as for why deponent took the next steps.
61:15-20	Hearsay, irrelevant, unduly prejudicial, irrelevant, see Plaintiffs' Hervey/Stapleton & Crisis Management Team State of Mind Objection. See plaintiffs' objections to 57:13-17. Furthermore, Scott Davis does not mention these statements in his depositions, or at trial. There is no evidence that they influenced the "state of mind" of the CNL crisis management team.	Not offered for the truth of the matter asserted but for notice and the state of mind of CNL crisis management team, as well as for why deponent took the next steps.

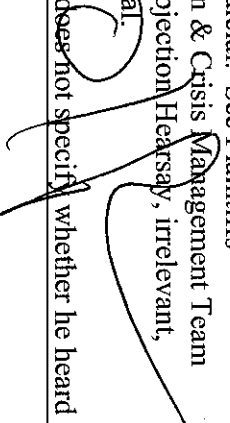
DEFENDANTS' DESIGNATION OF DEPOSITION TESTIMONY OF JOHN STAPLETON
(Testifying By Way of Deposition Only)
(Counter-Designations in italicized text)
Deposition August 8-9, 2005

Defendants' Designations	Plaintiffs' Objections and Counter-Designations	Defendants' Responses to Plaintiffs' Objections and Objections to Counter-Designations
61:22-24	Irrelevant, calls for hearsay.	
62:1-5	Irrelevant, calls for hearsay.	Not hearsay. Declarative statement. Also not offered for the truth of the matter asserted but for notice and the state of mind of CNL crisis management team, as well as for why deponent took the next steps.
62:8-16	62:3-5; 62:8-16: Hearsay, irrelevant, prejudicial. See Plaintiffs' Hervey/Stapleton & Crisis Management Team State of Mind Objection. Randall Hervey does not recall these statements in his deposition. Scott Davis does not list any of these assertions as factors in his decision to recommend calling in the military. Neither Randall Hervey nor Scott Davis mentions any specific threats, heard over the radio or not, and Scott Davis does not give anything that Hervey – the only person who would have passed on Stapleton's statements to him – told him as a reason for calling in the military. (Davis Depo., 233:12-242:23) Hearsay, lacks foundation.	Not hearsay. Declarative statement. Also not offered for the truth of the matter asserted but for notice and the state of mind of CNL crisis management team, as well as for why deponent took the next steps.

DEFENDANTS' DESIGNATION OF DEPOSITION TESTIMONY OF JOHN STAPLETON
(Testifying By Way of Deposition Only)
(Counter-Designations in italicized text)
Deposition August 8-9, 2005

Defendants' Designations	Plaintiffs' Objections and Counter-Designations	Defendants' Responses to Plaintiffs' Objections and Objections to Counter-Designations
62:19	Irrelevant. See Plaintiffs' <i>Hervy/Stapleton & Crisis Management Team State of Mind Objection</i> and plaintiffs' objections to 62:8-16	Not hearsay. Declarative statement. Also not offered for the truth of the matter asserted but for notice and the state of mind of CNL crisis management team, as well as for why deponent took the next steps.
108:1-8		
114:8-13		
114:16-18		
116:2-4		
118:2-4 ending with "testimony."	Irrelevant. Extrinsic evidence not allowed for impeachment on collateral matters.	Rebuttal to plaintiffs' testimony sponsored at trial by witness Abel Ogboru.
118:9-11	Irrelevant. Extrinsic evidence not allowed for impeachment on collateral matters.	Rebuttal to plaintiffs' testimony sponsored at trial by witness Abel Ogboru.
118:14-18	Irrelevant. Extrinsic evidence not allowed for	Rebuttal to plaintiffs' testimony sponsored at trial by witness

DEFENDANTS' DESIGNATION OF DEPOSITION TESTIMONY OF JOHN STAPLETON
(Testifying By Way of Deposition Only)
(Counter-Designations in italicized text)
Deposition August 8-9, 2005

Defendants' Designations	Plaintiffs' Objections and Counter-Designations	Defendants' Responses to Plaintiffs' Objections and Objections to Counter-Designations
204:20-21	impeachment on collateral matters.	Abel Ogborn.
204:23-205:3		
295:14-20	295:14-17 – Lack of foundation calls for speculation on matters not in deponent's personal knowledge.	
295:23-296:22		
297:7-14		
298:18-299:9		
300:12-301:22	Irrelevant, prejudicial. See Plaintiffs' Hervey/Stapleton & Crisis Management Team State of Mind Objection Hearsay, irrelevant, unduly prejudicial.  Randall Hervey does not specify whether he heard	Not offered for the truth of the matter asserted but for notice and the state of mind of CNL crisis management team, as well as for why deponent took the next steps.

DEFENDANTS' DESIGNATION OF DEPOSITION TESTIMONY OF JOHN STAPLETON
(Testifying By Way of Deposition Only)
(Counter-Designations in italicized text)
Deposition August 8-9, 2005

Defendants' Designations	Plaintiffs' Objections and Counter-Designations	Defendants' Responses to Plaintiffs' Objections and Objections to Counter-Designations
	this information from Stapleton, and he does not say that he passed on this information to Scott Davis or discussed it in the crisis management team meeting. Scott Davis' testimony gives no evidence that he thought Ogborn took the helicopter to Escravos in order to rescue Simmon. This is just another prejudicial attempt to introduce hearsay on an incident about which no one is prepared to testify firsthand.	
302:7-18		
328:24-329:2	Irrelevant. Extrinsic evidence not allowed for impeachment on collateral matters.	Rebuttal to plaintiffs' testimony sponsored at trial by witness Abel Ogborn.
329:4-9	Irrelevant. Extrinsic evidence not allowed for impeachment on collateral matters.	Rebuttal to plaintiffs' testimony sponsored at trial by witness Abel Ogborn.